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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/665,747

09/19/2003

Arnold J. Gum

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

01/21/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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kascanla@qualcomm.com
nanm@qualcomm.com

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/665,747 | Applicant(s) GUM ET AL. | |
| | Examiner PHUOC DOAN | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-14, 17-29, 31, 32, 34, 35, 38-42, 44, 45, 48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11-14, 17-29, 31, 32, 34, 35, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 40-42, 44, 45, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 40-42, 44-45, 48-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 40-42, 44-45, 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Forrester (US Pub No: 2003/0134646)** in view of **Blight (US Pub No: 2002/0184418)**, and further in view of **Kratky (US Pub No: 2003/0046158)**.

As to claim 1, Forrester discloses a method for position determination in a mobile device comprising: receiving data from a computer network wireless access point (paragraph [15-16] “WLAN used for data, voice communication to support a location enabled in associated with mobile device 102”); receiving data from a plurality of GPS satellites (paragraph [22] “include GPS receivers for receiving information from GPS satellites

104”); determining a position for the mobile device based on the data received from the access point and the data received from the GPS satellites by generating a weighted combination for the data received from the GPS satellites and data from the wireless access point; receiving data based on the determined position (paragraph [17, 21-22] “a weight combination is inherently for antenna filtering by signal received/transmitted, and also with network based position determination for mobile device 200 received from the GPS satellites 104 and data from the WLAN is required the access point in networks”). However, Forrester does not disclose a mobile device communicated directly to Wireless Access Point, and displaying information data based on the determined position.

In the same field of invention, Blight discloses a mobile device communicated directly to Wireless Access Point (Fig. 1, col. 2, par [0033]), and displaying information data based on the determined position (paragraph [31, 46, 83]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the WLAN in wireless communication as taught by Blight to the system of Forrester in order to addition a bandwidth of WLAN in reduced the traffic of GPS networks.

The combination of Forrester and Blight do not disclose displaying non position information.

Kratky discloses displaying non position information (paragraph [0026] “non position information was advertisements information to be displayed on the mobile device based on the determined position”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide which displaying non position information as taught by Kratky to the combined system of Forrester, Blight in order to has a display the advertiser’s location.

As to claim 41, Blight further discloses the device of claim 1 wherein the wireless computer network transceiver is configured for operation in accordance with IEEE 802.11 wireless network standards (col. 2, par [0035]).

As to claim 42, Forrester further discloses wherein the displaying position information (paragraph [17, 21-22]).

As to claim 44, Forrester further discloses wherein the non position information is information related to a store located proximate the determined position of the mobile communication device (paragraph [39]).

As to claim 45, Blight further discloses wherein the transceiver communicates a request to the wireless access point for non position

information based on the determined position of the mobile communication device (col. 4, par. [0101-0106]).

As to claim 48, claim is rejected for the same reason as set forth in claim 40.

As to claim 49, Forrester further discloses wherein the position determining entity generates a weighted combination of the communication signals from the base transceiver station and data from the wireless access point to determine the position of the mobile communication device (col. 1 through col. 2, par. [0015-0019]).

Allowable Subject Matter

2. Claims 1-9, 11-14, 17-29, 31-32, 34-35, 38-39 are allowed.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event

a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC DOAN whose telephone number is (571)272-7920. The examiner can normally be reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
01/12/09

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617